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U.S. DISTRICT COURT

Name:

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UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH2nd**DIVISION**

Pamela DeBert Murray

(Full Name)

PLAINTIFF

vs.

Department of Defense

c/o Paul Ney or acting Gen'l Counsel

US Dept of Defense, The Pentagon

Rm 3E788, Washington, DC 20301-1600

DEFENDANTS

CIVIL RIGHTS COMPLAINT

(42 U.S.C §1983, §1985)

CIVIL NO. _____

(Supplied by Clerk)

Case: 1:22-cv-00063

Assigned To : Oberg, Daphne A.

Assign. Date : 5/9/2022

Description: Murray v Department of
Defense et al**A. JURISDICTION**

1. Jurisdiction is proper in this court according to:

- a. ☒ 42 U.S.C. §1983
b. ☐ 42 U.S.C. §1985
c. ☐ Other (Please Specify) _____

2. NAME OF PLAINTIFF Pamela DeBert Murray
IS A CITIZEN OF THE STATE OF Utah

PRESENT MAILING ADDRESS:

2155 Grant Ave., Apt. 331Ogden, UT 84401

3. NAME OF FIRST DEFENDANT Paul Ney or acting Gen'l Counsel
IS A CITIZEN OF Washington, DC
(City and State)
IS EMPLOYED AS General Counsel at Department of Defense.
(Position and Title if Any) (Organization)
Was the defendant acting under the authority or color of state law at the time these claims occurred?

YES ☒ NO ☐ If your answer is "YES" briefly explain.

State law is subject to federal law, per the Constitution, so per the US Code, the

defendant is the Attorney General, who "shall defend any civil action or proceeding

brought in any court against any employee of the Government or his estate."

4. NAME OF SECOND DEFENDANT n/a
(If applicable)

IS A CITIZEN OF _____
(City and State)

IS EMPLOYED AS _____ at _____.
(Position and Title if Any) (Organization)

Was the defendant acting under the authority or color of state law at the time these claims occurred?

YES ☐ NO ☐ If your answer is "YES" briefly explain.

5. NAME OF THIRD DEFENDANT _____
(If applicable)

IS A CITIZEN OF _____
(City and State)

IS EMPLOYED AS _____ at _____.
(Position and Title if Any) (Organization)

Was the defendant acting under the authority or color of state law at the time these claims occurred?

YES ☐ NO ☐ If your answer is "YES" briefly explain.

6. NAME OF FOURTH DEFENDANT _____
(If applicable)

IS A CITIZEN OF _____
(city and State)

IS EMPLOYED AS _____ at _____.
(Position and Title if Any) (Organization)

Was the defendant acting under the authority or color of state law at the time these claims occurred?

YES ☐ NO ☐ If your answer is "YES" briefly explain.

(Use additional sheets of paper if necessary.)

B. NATURE OF CASE

1. Why are you bringing this case to court? Please explain the circumstances that led to the problem.

The Department of Finance and Accounting Service (DFAS) wrongly collected back my Home

Leave (HL) pay that had been properly approved and paid. This action is in violation of

US Code, Code of Federal Regulations, Department of Defense Instruction, and the Lagatta-

Shaffer 1988 Decision. All administrative remedies made available to me have been exhausted.

C. CAUSE OF ACTION

1. I allege that my constitutional rights, privileges or immunities have been violated and that the following facts form the basis for my allegations: (If necessary you may attach additional pages)

a. (1) Count I: Common Count - A wrongful denial of Home Leave pay in the year 2017.

- (2) Supporting Facts: (Describe exactly what each defendant did or did not do. State the facts clearly in your own words without citing legal authority or arguments.)

The Defense Finance and Accounting Service (DFAS) wrongly denied me payment of my Home

Leave taken, which had been approved by the Navy and Air Force. DFAS wrongly applied the law when

citing the reasons for their denial. DFAS actions or lack thereof directly resulted in

reducing my income and diminishing my quality of life over the years.

b. (1) Count II: Common Count - All Administrative Remedies (ARs) made available to me, and which I exhaustively sought, did not resolve the issue.

- (2) Supporting Facts: None of the officers acting under the authority of the Department of Defense resolved the issue of DFAS denying me my HL pay, despite my exhaustive pursuits of all

of the ARs made available to me, including various DFAS remedies, employee grievance, Office of

Personnel Management, Civilian Pay, Human Resources, local duty station legal office, the Navy Office of

Civilian Human Resources, and Naval Facilities Engineering Command Headquarters (NAVFAC HQ).

The lack of resolution by the ARs directly resulted in the continuance of Count I above.

c. (1) Count III: n/a

(2) Supporting Facts: _____

D. INJURY

1. How have you been injured by the actions of the defendant(s)?

The injuries incurred by the actions of the defendant are the reduction of

my income and benefits associated with the HL I took, which directly

resulted in a diminished net-worth and a diminished quality of life

over the years.

E. PREVIOUS LAWSUITS AND ADMINISTRATIVE RELIEF

1. Have you filed other lawsuits in state or federal court that deal with the same facts that are involved in this action or otherwise relate to the conditions of your imprisonment?
YES ☐ / NO ☒. If your answer is "YES," describe each lawsuit. (If there is more than one lawsuit, describe additional lawsuits on additional separate pages, using the same outline.)

- a. Parties to previous lawsuit:

Plaintiff(s): _____

Defendant(s): _____

- b. Name of court and case or docket number: _____

- c. Disposition (for example: Was the case dismissed? Was it appealed? Is it still pending?) _____
- d. Issues raised: _____

- e. When did you file the lawsuit? _____
Date Month Year
- f. When was it (will it be) decided? _____
2. Have you previously sought informal or formal relief from the appropriate administrative officials regarding the acts complained of in Part C? YES ☒ / NO ☐. If your answer is "YES" briefly describe how relief was sought and the results. If your answer is "NO" explain why administrative relief was not sought.
See continuation sheet.

F. REQUEST FOR RELIEF

1. I believe that I am entitled to the following relief:
My request for relief is the monetary compensation for my Home Leave pay that was collected

back by DFAS, which includes not only income but also associated benefits such as Annual Leave

and matching retirement investments, as well as for the associated costs of Administrative

Remedies (ARs) sought and the associated costs of having to go to court.

DECLARATION UNDER PENALTY OF PERJURY

The undersigned declares under penalty of perjury that he/she is the plaintiff in the above action, that he/she has read the above complaint, and that the information contained therein is true and correct. 28 U.S.C. §1746; 18 U.S.C. §1621.

Executed at Ogden, UT on May 9 2022.
(Location) (Date)

Pamela Murray  Digitally signed by Pamela Murray
Date: 2022.05.09 07:16:47 -06'00'

Signature